



State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

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January 22, 2002

CERTIFIED RETURN RECEIPT

7099 3400 0016 8896 4196

Dan Powell
Emery Industrial Resources
P.O. Box 489
Price, Utah 84501

Re: **Division Directive**, Informal Meeting Scheduling, Emery Industrial Resources, Cherry Hill Park Mine, M/049/021, Utah County, Utah

Dear Mr. Powell:

On July 30, 2001, we held a meeting with you in the Division offices to discuss the remaining deficiencies associated with your large mine permit application. We mutually agreed on a September 17, 2001 deadline, for you to submit a formal response to the Division's September 30, 1999, technical review document. You subsequently requested and we granted a time extension until October 1, 2001.

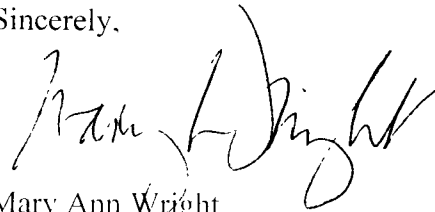
Over 100 days have now passed since the most recent October 1st deadline. We still await your technical response. Your original large mine permit application was submitted to this office in November of 1994. We are very concerned that we have not been able to obtain the necessary information to date, which would enable us to complete the processing and approval of your application. Your original Small Mine permit is no longer valid. Therefore, you currently have no Division permit or authorization to conduct mining operations at the Cherry Hill Park Mine.

You are hereby directed to contact the Division within 10 days of your receipt of this letter to schedule a meeting to discuss options to remedy this situation. Please contact Vicki Southwick, Executive Secretary, at (801) 538-5304 to arrange a meeting with the Associate Director to resolve this matter. Your failure to respond accordingly ***will*** force the Division to pursue formal enforcement provisions as authorized under the Utah Mined Land Reclamation Act and other appropriate laws. Enforcement actions could require immediate suspension of all mining operations, revocation of the existing permit and immediate reclamation of the site.

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If you have any questions regarding this directive, please contact me at (801) 538-5306, Wayne Hedberg at 538-5286, or Lynn Kunzler at 538-5310. Thank you for your immediate attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Mary Ann Wright". The signature is fluid and cursive, with the first name "Mary" and last name "Wright" clearly distinguishable.

Mary Ann Wright
Associate Director, Mining

jb
cc. Buck Rose, Utah County
D. Wayne Hedberg, OGM
M49-21 directive.doc